

On July 30, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 25, 1934, by N. R. Coulbourn from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 31, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22553. Adulteration of cherries. U. S. v. 4 Baskets of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33216. Sample no. 5817-B.)**

This case involved an interstate shipment of cherries, a portion of which bore excessive arsenic and the remainder of which bore excessive lead.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 19, 1934, by Sam Ponto & Sons from Syracuse, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 29, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22554. Adulteration of butter. U. S. v. 1 Barrel, more or less, of Packing Stock Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32624. Sample no. 65817-A.)**

A sample of butter taken from the shipment involved in this case was found to contain filth.

On April 5, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of packing-stock butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 5, 1934, by Bonham Poultry & Egg Co., from Bonham, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 7, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22555. Misbranding of apple butter. U. S. v. 33 Cases of Apple Butter. Default decree of condemnation and forfeiture. Products delivered to welfare organization. (F. & D. no. 32484. Sample no. 68647-A.)**

Sample jars of apple butter taken from the shipment involved in this case were found to contain less than 2 pounds 1 ounce, the labeled weight.

On April 2, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases of apple butter at Litchfield, Ill., alleging that the article had been shipped in interstate commerce on or about March 1, 1934, by Salomo Food Products Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Tast-Good Brand Two Lbs. One Oz. Pure Apple Butter Distributed by Empire Distributing Co., St. Louis, Mo."

It was alleged in the libel that the article was misbranded in that the statement "Net Wt. Two Lbs. One Oz.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On July 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a welfare organization, and that it be relabeled "2 Lbs."

M. L. WILSON, *Acting Secretary of Agriculture.*

**22556. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$28. (F. & D. no. 31500. Sample nos. 23141-A, 23142-A.)**

This case involved interstate shipments of butter that contained less than 80 percent by weight of milk fat.

On April 14, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 2 and May 9, 1933, from the State of Utah into the State of Nevada, of quantities of butter which was adulterated and misbranded. On May 5, 1934, the information was amended. The article was labeled in part: "Maid O' Clover \* \* \* Butter \* \* \* Manufactured & Distributed by Mutual Creamery Company \* \* \* Salt Lake City, Utah."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the package, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it was butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by law, whereas it contained less than 80 percent of milk fat.

On May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$28.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22557. Adulteration of butter. U. S. v. Westport Cooperative Creamery Association. Plea of guilty. Fine, \$25. (F. & D. no. 31490. Sample no. 32003-A.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westport Cooperative Creamery Association, a corporation, Westport, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 8, 1933, from the State of Minnesota into the State of New York, of a quantity of butter which was adulterated. The article was labeled in part: "Zenith-Godley Co., N. Y."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On May 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22558. Adulteration of butter. U. S. v. Edwin Manz, Walter Kruger, and Herbert R. Schmitt (Paynesville Cooperative Creamery Association). Pleas of guilty. Fine, \$25. (F. & D. no. 31420. Sample no. 11005-A.)**

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.